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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,954	07/14/2003	Son Trung Tran	2508	6421

26356 7590 05/16/2005

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EXAMINER

MATTHEWS, WILLIAM H

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/618,954	Applicant(s) TRAN, SON TRUNG	
	Examiner William H. Matthews (Howie)	Art Unit 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 2-15-05 have been fully considered but they are not persuasive.
2. With regard to Portney US PUB 2003/01585560, Applicant contends Applicant's claims are clearly directed to a single lens system with the second component being hollow and having no optical properties. Examiner disagrees because the claims utilize open-ended language ("comprising") and fail to positively differentiate between zero, one, or two lens systems. Furthermore Portney shows in figures 24-26 ring-like base component having a central hollow space in which optical component 500 fits into.
3. With regard to Blake US PUB 2002/0173846, Applicant contends the structure shown by Blake in Figures 3A-3F would disengage upon compression of the base component (haptic structure 110). Examiner disagrees because paragraph [0063] discloses the cleat and eyelet may be reversed: "Alternatively, the eyelet 400 may be on or part of the haptic 110 and the cleat may be on or part of the lens 200." Therefore compression of the base component would maintain the optical component in a locked position.
4. With regard to Poler US PN 4,122,556 Applicant contends the optic of Poler lacks tabs. Examiner disagrees because the claims merely require an optical component having tabs. Poler discloses a base component (fig 6), optical component (perpendicular frame element of fig 7), and optic 31. The limitation optical component does not limit the claims to an optic or ocular lens. As defined in Merriam Webster's Collegiate Dictionary 10th Ed "optical" is defined as: of or relating to optical art. Therefore an optical component encompasses haptics, frames, etc.

Art Unit: 3738

Optic is defined as: any of the elements (as lenses, mirrors, or light guides) of an optical instrument or system.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portney US PUB 2003/0158560 in view of Grendahl et al. US PN 4,661,108.

Portney discloses in figures 24-26 and paragraphs 44,49,90,93,101,105 an intraocular lens comprising ring-like base component having haptics (524,526), slots (510), and a hollow center for receiving an optical component having tabs (506) that fit into slots (510). The base components may be opaque and stiff relative to the optic. Portney discloses the device for use in the posterior capsule but lacks the express written disclosure of providing a plurality of rings on the posterior surface. Grendahl teaches in lines 10-48 of col. 1 and figures an intraocular lens for use in the posterior capsule comprising a plurality of rings in order to prevent posterior capsule adhesion to the intraocular lens.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the intraocular lens disclosed by Portney by including a plurality of posterior rings as taught by Grendahl in order to prevent posterior capsule adhesion to the intraocular lens.

Art Unit: 3738

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake US PUB 2002/0173846 in view of Grendahl et al. US PN 4,661,108.

Blake discloses in figure 2 and 16B and paragraphs 12,14,41,43,59,60,63, and 72 an intraocular lens comprising ring-like base component (150) having haptics (190), slots (400 – see paragraph 63), and a hollow center for receiving an optical component having tabs (300) that fit into slots (400). The base components may be opaque and stiff relative to the optic. Blake discloses the device for use in the posterior capsule (paragraph 41) but lacks the express written disclosure of providing a plurality of rings on the posterior surface. Grendahl teaches in lines 10-48 of col. 1 and figures an intraocular lens for use in the posterior capsule comprising a plurality of rings in order to prevent posterior capsule adhesion to the intraocular lens.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the intraocular lens disclosed by Blake by including a plurality of posterior rings as taught by Grendahl in order to prevent posterior capsule adhesion to the intraocular lens.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poler US PN 4,122,556 in view of Grendahl et al. US PN 4,661,108.

Poler discloses in figures 6-7 an intraocular lens comprising ring-like base component (fig 6) having haptics (32,33), slots (37), and a hollow center for receiving an optical component (31) having tabs (32',33') that fit into slots (37). Poler lacks the express written disclosure of providing a plurality of rings on the posterior surface. Grendahl teaches in lines 10-48 of col. 1 and figures an intraocular lens for use in the posterior capsule comprising a plurality of rings in order to prevent posterior capsule adhesion to the intraocular lens.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the intraocular lens disclosed by Poler by including a plurality of posterior rings as taught by Grendahl in order to prevent posterior capsule adhesion to the intraocular lens.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Matthews (Howie) whose telephone number is 571-272-4753. The examiner can normally be reached on Monday-Friday 10-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine M. McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3738

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WHM
May 9, 2005



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